

ASSEMBLY BILL

No. 1327

Introduced by Assembly Member Dahle
(Coauthors: Assembly Members Gallagher, Grove, Lackey, and
Maienschein)
(Coauthors: Senators Berryhill and Nielsen)

February 27, 2015

An act to amend Section 1559.110 of the Health and Safety Code, and to amend Section 16522 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL’S DIGEST

AB 1327, as introduced, Dahle. Foster care: transitional housing.

Existing law requires the State Department of Social Services to license and regulate transitional housing placement providers. Existing law requires transitional housing providers to provide supervised transitional housing services to foster children who are at least 16 years of age and not more than 18 years of age, nonminor dependents, or both. Existing law provides that transitional housing includes, among others, programs in which a participant lives independently in certain types of housing owned or leased by the provider either with an adult employee of the provider or in a building in which one or more adult employees of the provider reside and provide supervision. Transitional housing may, if the State Department of Social Services provides approval, include programs in which a participant lives independently in certain types of housing owned or leased by provider under the supervision of the provider.

This bill would delete the requirement that the housing be owned or leased by the provider and would instead require that a provider be

responsible for the payment of any contracted rental fees and any penalties for late payment to the property owner. The bill would also, with regards to the latter program described above, delete the requirement that the department provide approval for the program and delete the requirement that participants live under the supervision of the provider.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1559.110 of the Health and Safety Code
2 is amended to read:

3 1559.110. (a) (1) The State Department of Social Services
4 shall license transitional housing placement providers pursuant to
5 this chapter. Prior to licensure, a provider shall obtain certification
6 from the applicable county, in accordance with Section 16522.1
7 of the Welfare and Institutions Code.

8 (2) For purposes of the certification of a program that serves
9 nonminor dependents in accordance with subdivision (c) of Section
10 16522.1 of the Welfare and Institutions Code, “applicable county”
11 means the county where the administrative office or
12 subadministrative office of a transitional housing placement
13 provider is located, or a primary placing county.

14 (b) Transitional housing placement providers shall provide
15 supervised transitional housing services to foster children who are
16 at least 16 years of age and not more than 18 years of age, or
17 nonminor dependents, as defined in subdivision (v) of Section
18 11400 of the Welfare and Institutions Code, or both.

19 (c) Transitional housing placement providers shall certify that
20 housing units comply with the health and safety standards set forth
21 in paragraph (5) of subdivision (b) of Section 1501. Transitional
22 housing shall include any of the following:

23 (1) Programs in which a participant lives in an apartment,
24 single-family dwelling, or condominium, with one or more adults
25 approved by the provider.

26 (2) Programs in which a participant lives independently in an
27 apartment, single-family dwelling, or condominium ~~owned or~~
28 ~~leased by the provider~~ either with an adult employee of the provider
29 or in a building in which one or more adult employees of the

1 provider reside and provide supervision. *A provider shall be*
2 *responsible for the payment of any contracted rental fees and any*
3 *penalties for late payment to the property owner.*

4 (3) Programs in which a participant lives independently in an
5 apartment, single-family dwelling, or ~~condominium owned or~~
6 ~~leased by a provider under the supervision of the provider if the~~
7 ~~State Department of Social Services provides approval.~~
8 *condominium. A provider shall be responsible for the payment of*
9 *any contracted rental fees and any penalties for late payment to*
10 *the property owner.* The housing model described in this paragraph
11 shall be available to minor foster children, if placed prior to
12 October 1, 2012, and to nonminor dependents.

13 (d) (1) The department shall adopt regulations to govern
14 transitional housing placement providers licensed pursuant to this
15 section.

16 (2) The regulations shall be age-appropriate and recognize that
17 nonminor dependents who are about to exit from the foster care
18 system should be subject to fewer restrictions than those who are
19 foster children. At a minimum, the regulations shall provide for
20 both of the following:

21 (A) Require programs that serve both foster children and
22 nonminor dependents to have separate rules and program design,
23 as appropriate, for these two groups of youth.

24 (B) Allow nonminor dependents to have the greatest amount of
25 freedom possible in order to prepare them for their transition to
26 adulthood, in accordance with paragraph (1) of subdivision (b) of
27 Section 1502.7.

28 (C) Maintain a program staffing ratio of case manager to client
29 not to exceed 1 to 12.

30 ~~(4)~~

31 (D) For purposes of the certification of a program that serves
32 nonminor dependents in accordance with subdivision (c) of Section
33 16522.1 of the Welfare and Institutions Code, “applicable county”
34 means the county where the administrative office or
35 subadministrative office of a transitional housing placement
36 provider is located, or a primary placing county.

37 SEC. 2. Section 16522 of the Welfare and Institutions Code is
38 amended to read:

39 16522. (a) The State Department of Social Services shall adopt
40 regulations to govern licensed transitional housing placement

1 providers that provide supervised transitional housing to foster
2 children at least 16 years of age and not more than 18 years of age,
3 and nonminor dependents, as defined in subdivision (v) of Section
4 11400.

5 (b) The department may structure statewide implementation of
6 transitional housing placement providers on a phased-in basis.

7 (c) (1) Transitional Housing Program-Plus providers, as defined
8 in subdivision (s) of Section 11400, shall not be subject to licensure
9 pursuant to Section 1559.110 of the Health and Safety Code, if
10 they are certified to provide transitional housing by the applicable
11 county and have obtained a local fire clearance.

12 (2) By July 31, 2012, the department shall establish certification
13 standards and procedures for the THP-Plus Foster Care program,
14 as described in subdivision (c) of Section 16522.1, in consultation
15 with the County Welfare Directors Association, the California
16 Youth Connection, county probation departments, provider
17 representatives, and other stakeholders, as appropriate.

18 (d) Transitional housing placement providers shall certify that
19 housing units comply with the health and safety standards set forth
20 in paragraph (5) of subdivision (b) of Section 1501 of the Health
21 and Safety Code. Transitional housing shall include any of the
22 following:

23 (1) Programs in which a participant lives in an apartment,
24 single-family dwelling, or condominium, with one or more adults
25 approved by the provider.

26 (2) Programs in which a participant lives independently in an
27 apartment, single-family dwelling, or condominium ~~owned or~~
28 ~~leased by the provider~~ either with an adult employee of the provider
29 or in a building in which one or more adult employees of the
30 provider reside and provide supervision. *A provider shall be*
31 *responsible for the payment of any contracted rental fees and any*
32 *penalties for late payment to the property owner.*

33 (3) Programs in which a participant lives independently in an
34 apartment, single-family dwelling, or ~~condominium owned or~~
35 ~~leased by a provider under the supervision of the provider if the~~
36 ~~State Department of Social Services provides approval.~~
37 *condominium. A provider shall be responsible for the payment of*
38 *any contracted rental fees and any penalties for late payment to*
39 *the property owner.* The housing model described in this paragraph

1 shall be available to minor foster children, if placed prior to
2 October 1, 2012, and to nonminor dependents.

3 (e) The regulations shall be age-appropriate and recognize that
4 youth who are about to exit from the foster care system should be
5 subject to fewer restrictions than those who are foster children. At
6 a minimum, the regulations shall provide for both of the following:

7 (1) Require programs that serve youth who are both in and out
8 of the foster care system to have separate rules and program design,
9 as appropriate, for these two groups of youth.

10 (2) Allow youth who have exited from the foster care system,
11 on or after their 18th birthday, to have the greatest amount of
12 freedom possible in order to prepare them for their transition to
13 adulthood.

14 (f) The regulations governing licensed transitional housing
15 placement providers that serve nonminor dependents shall be age
16 appropriate and recognize that nonminor dependents who are about
17 to exit from the foster care system should be subject to fewer
18 restrictions than those who are foster children. At a minimum, the
19 regulations shall provide for both of the following:

20 (1) Require programs that serve foster children and nonminor
21 dependents to have separate rules and program design, as
22 appropriate, for these two groups of youth.

23 (2) Allow nonminor dependents to have the greatest amount of
24 freedom possible in order to prepare them for their transition to
25 adulthood, in accordance with paragraph (1) of subdivision (b) of
26 Section 1502.7 of the Health and Safety Code.

27 (3) Maintain a program staffing ratio of case manager to client
28 not to exceed 1 to 12.